

STATE OF MAINE
CUMBERLAND, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.:

MICHAEL G. MARSH,

Plaintiff

v.

FREDERICK S. LAUTEN,

Defendant

COMPLAINT

NOW COMES Plaintiff, MICHAEL G. MARSH, by and through counsel, and complains against Defendant FREDERICK S. LAUTEN as follows:

1. Plaintiff Michael G. Marsh (“Marsh”) is a resident of York, County of York, State of Maine.
2. Defendant Frederick S. Lauten (“Lauten”) is a resident of Andover, County of Essex, State of Massachusetts.
3. On July 1, 2023, both Marsh and Lauten were ticketed passengers on American Airlines flight AA2306 from DFW to BOS. Marsh bought his ticket while in Maine.
4. Marsh and Lauten were seated next to each other on the flight. Marsh was seated in seat 1D, and Lauten was seated in seat 1F.

COUNT I – NEGLIGENCE

1. Plaintiff repeats and realleges each of the foregoing paragraphs as if set forth fully herein.
2. On July 1, 2023, upon boarding flight AA2306 DFW to BOS, Lauten was intoxicated.

3. At the same time and place alleged above, Lauten consumed four servings of liquor.

4. Following his consumption of liquor, Lauten got out of his seat and stood up to use the restroom aboard the flight.

5. Upon standing to use the restroom, Lauten, lost physical control of his body and his ability to maintain balance, and fell onto Marsh.

6. Upon falling onto Marsh, Marsh experienced serious bodily injury. Marsh's damages include but are not limited to lacerations, painful and permanent physical injury, a complete left bicep tendon rupture and retraction of the left bicep, requiring surgery, emotional distress, pain and suffering, loss of enjoyment of life, and past and future medical expenses.

7. Marsh's injuries are permanent in several of their effects.

8. Lauten's acts, as described above, were negligent under the circumstances.

9. Defendant Lauten is liable to Marsh for Marsh's damages proximately caused by Lauten's negligence.

WHEREFORE, Plaintiff MICHAEL G. MARSH asks the Court to enter judgment against Defendant Frederick S. Lauten, for compensatory damages, interest, costs, and such other and further relief as the Court deems just and equitable.

Dated: January 15, 2025

/s/ Michael T. Bigos, Esq.
Michael T. Bigos, Esq.
Maine Bar No. 9607
Berman & Simmons, P.A.
P.O. Box 961
Lewiston, ME 04243-0961
(207) 784-3576
Attorney for Plaintiff
BigosService@bermansimmons.com